UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE)))	MDL NO. 1456
LITIGATION)	CIVIL ACTION NO. 01-CV-12257-PBS
THIS DOCUMENT RELATES TO CLASS 1 JURY TRIAL))))	Hon. Patti B. Saris

DEFENDANT ASTRAZENECA PHARMACEUTICALS LP'S MOTION IN LIMINE TO EXCLUDE THE 2003 OFFICE OF INSPECTOR GENERAL GUIDELINES

Defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca"), by its undersigned counsel, respectfully moves this Court pursuant to Rules 402 and 403 of the Federal Rules of Evidence for an Order excluding Plaintiffs from introducing at trial all documents and testimony relating to the 2003 Office of Inspector General Compliance Program Guidance for Pharmaceutical Manufacturers, 68 Fed. Reg. 23731 (May 5, 2003) (hereinafter "OIG Guidance").

As grounds for the foregoing, Defendant AstraZeneca states as follows:

According to their pre-trial disclosures, Plaintiffs intend to proffer as evidence at trial documents and deposition designations relating to the OIG Guidance described above, and elicit related testimony.

The OIG Guidance is not relevant to Plaintiffs claims and is too remote in time, having been promulgated twelve years after the class period began.

The OIG Guidance should also be excluded because of the unfair prejudice retroactive application would engender and the risk that admission of the OIG Guidance would mislead the jury.

WHEREFORE Defendant AstraZeneca respectfully requests that this Court enter an Order excluding such documents and testimony and grant all other relief that this Court deems just and appropriate.

Dated: March 23, 2007

Respectfully submitted,

By: /s/ Katherine B. Schmeckpeper

Nicholas C. Theodorou (BBO # 496730) Michael P. Boudett (BBO # 558757) Katherine B. Schmeckpeper (BBO # 663200) FOLEY HOAG LLP 155 Seaport Boulevard Boston, MA 02210

D. Scott Wise Michael Flynn Kimberley Harris Davis Polk & Wardwell 450 Lexington Avenue New York, NY 10017

Attorneys for AstraZeneca Pharmaceuticals LP

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I certify that counsel for AstraZeneca Pharmacuticals LP conferred with counsel for Platiniffs pursuant to L.R. 7.1 prior to filing this motion and Plaintiffs did not consent to the motion.

/s/ Katherine B. Schmeckpeper
Katherine B. Schmeckpeper

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered on March 23, 2007 to counsel for plaintiffs and to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, via LexisNexis File & Serve.

By: /s/ Katherine B. Schmeckpeper
Katherine B. Schmeckpeper